IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.18 OF 2003

Arvind Ramchandra Surve ...Applicant
V/s.
Shantabai Surve & Anr. ...Respondents

Mr.Dilip Bodke, Advocate, for the Applicant.
Mr.V.G. Mujumdar, Advocate, for Respondent No.1.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 6TH JULY, 2007.

P.C. :

1. Heard the learned Counsel for the parties.

2. A short question which requires consideration in this Criminal Revision Application is as to whether the maintenance granted to the Respondent-mother is sufficient for her maintenance. The Respondent-mother is required to file an application for maintenance against her sons. It appears from the record that during the proceedings the other son Shri.Prasad compromised with the mother and agreed to pay her Rs.600/- per month whereas the Petitioner-son contested the matter.

3. In so far as the factum of relationship and

the mother being unable to maintain herself is concerned, there is no dispute. Even there is no dispute to the fact that the Petitioner is a Central Government employee and presently getting a gross salary of Rs.21,652/- as per the copy of the pay slip for April-2007 produced before this Court by the learned Counsel for the Petitioner, which is taken on record and marked "X" for identification.

4. It appears that the only grievance which was made by the Petitioner-son was that the mother is residing with the other brother Prakash and that the Court was not justified in granting maintenance to her in the sum of Rs.1,500/- as in case of other brother who is working in a Bank, she has agreed to accept a sum of Rs.600/- per month and, therefore, it is submitted by the learned Counsel appearing for the Petitioner that the Petitioner is also willing to pay a sum of Rs.600/-.

5. Learned Counsel for the Petitioner-son further submitted that though the Petitioner is drawing gross salary of Rs.21,652/- per month, he is heavily indebted to the Government and, therefore, after deductions he hardly gets about Rs.7,031/- per month and he has to maintain his own family and children who are school

going.

6. Learned Counsel for the Respondent further submitted that the other brother Shri.Prasad who has compromised with the mother has taken a turn around and the mother is required to initiate proceedings and agitate the issue of maintenance from him also. It is further submitted that the Petitioner cannot claim parity so that he will also pay maintenance in the sum of Rs.600/- per month as the mother has compromised with the other brother for the sum of Rs.600/- for the reason that as the other son did not contest the matter and settled it with the mother and in order to get the maintenance she was left with no choice but to accept the proposal but the same has also not worked out. It is submitted that a sum of Rs.1,500/- granted by the Family Court is a meagre amount taking into consideration the general level of prices for even meeting the bare necessities of life. It is submitted that though the mother is residing with the third son, her problem in respect of shelter is solved but in so far as food, clothing, medical expenses and other sundry expenses are concerned, she requires sufficient amount to meet these expenses and, therefore, this Criminal Revision Application should be dis-allowed.

7. We have gone through the evidence on record. We do not find that the learned Judge of the Family Court has committed any illegality or impropriety in appreciating evidence on record and arriving at the finding that the Petitioner-son is liable to pay maintenance @ Rs.1,500/- per month to his mother.

8. The learned Counsel for the Respondent submits that a sum of Rs.1,500/- is on the lower side. Well if the Respondent-mother wants to get the maintenance granted to her enhanced, she can very well apply to the Family Court under Section 127 of the Cr.P.C.

9. We find that the Petitioner-son has sufficient means to atleast pay a sum of Rs.1,500/- for the maintenance of his mother. The order passed by the learned Judge of the Family Court is just and proper and it does not require any interference. The Petition is, therefore, dismissed with costs which is quantified at Rs.5,000/-.

[J.N. PATEL, J.]

[A.A. SAYED, J.]